

Message

---

**From:** Robinson, Jeffrey [Robinson.Jeffrey@epa.gov]  
**Sent:** 3/9/2018 9:25:57 PM  
**To:** Feldman, Michael [Feldman.Michael@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Verhalen, Frances [verhalen.frances@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]  
**CC:** Bartley, Richard [Bartley.Richard@epa.gov]  
**Subject:** RE: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

Will Alan or Rick Bartley be available? Included Rick on the email and will attempt to call him.

---

**From:** Feldman, Michael  
**Sent:** Friday, March 09, 2018 3:08 PM  
**To:** Donaldson, Guy <Donaldson.Guy@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Verhalen, Frances <verhalen.frances@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>  
**Subject:** RE: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

I'm not sure who among us is best positioned to lead the briefing in Guy's absence on Monday morning.

As you know, there are two issues ( this is from Guy's email to you earlier this week):

- 1) SIP call - Texas has in its chapter 101 rules an affirmative defense that applies generally to any violations during unplanned activities or upsets. This was a subject of the SIP call which they have sued us on.
- 2) Title V Petitions - Texas has a particular issue in its rules for opacity and PM contained in its chapter 111 rules. Texas interprets these rules to have an unwritten exemption during start up and shutdown for coal fired power plants with ESPs. This has been an issue raised in a number of Title V petitions. We have worked out an agreement to get Texas to issue agreed orders that would made part of the SIP to address the time period during start up and shutdown. Unfortunately, we have gotten very far in actually seeing orders or the 110(l) demo that would be needed to show the Sip revision doesn't interfere with attainment. It is worth noting that Texas has issued permit authorizations to these sources that provide limits that apply during start up and shutdown. It is possible Texas believes that the policy could be changed to allow permit the permit limits to fill the "gap" in the SIP rules during start up and shutdown. Of course the issue would be that the permits could be changed without going through a SIP revision process. We would expect to be challenged on such an approach because the environmentalist have already raised that Texas shouldn't be allowed to revise the SIP without a SIP revision.

---

**From:** BrachtI, Megan  
**Sent:** Friday, March 09, 2018 2:52 PM  
**To:** Donaldson, Guy <Donaldson.Guy@epa.gov>  
**Cc:** Feldman, Michael <Feldman.Michael@epa.gov>  
**Subject:** FW: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

Guy – I just left you a vm on this. I see you might be out of the office so I'm copying Michael here in case he can find your back-up (Wren)?

Bottom line is that there's a pre-brief for the 3/13 meeting on Monday at 10:30 ET, and it would be good if you can attend and lead the briefing.

Feel free to call me or Mike Koerber if you need more info.

Thanks,  
Megan

Megan V. Brachtel, Group Leader  
State and Local Programs Group  
Office of Air Quality Planning and Standards  
U.S. Environmental Protection Agency  
(919) 541-2648  
[brachtel.megan@epa.gov](mailto:brachtel.megan@epa.gov)

---

**From:** Koerber, Mike  
**Sent:** Friday, March 09, 2018 3:38 PM  
**To:** Brachtel, Megan <[Brachtel.Megan@epa.gov](mailto:Brachtel.Megan@epa.gov)>  
**Subject:** FW: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

---

**From:** Lewis, Josh  
**Sent:** Friday, March 09, 2018 3:35 PM  
**To:** Koerber, Mike <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>; Atkinson, Emily <[Atkinson.Emily@epa.gov](mailto:Atkinson.Emily@epa.gov)>  
**Subject:** RE: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

I assume the 3/13 meeting will have a focus on the TCEQ petition...so seems right to me to invite Wren and Guy and have them lead. Agree?

---

**From:** Koerber, Mike  
**Sent:** Friday, March 09, 2018 1:27 PM  
**To:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; Atkinson, Emily <[Atkinson.Emily@epa.gov](mailto:Atkinson.Emily@epa.gov)>  
**Subject:** RE: Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

I didn't see Region 6 on the invite. We asked Guy Donaldson for a briefing paper on the TCEQ petition, which he just sent us. Should the Region be invited? If so, then they may wish to lead the briefing – if the subject is the TCEQ petition on SSM. But, if the subject is broader on where we are overall on SSM, then we should lead the briefing. Let me know.  
Thanks.

Mike

-----Original Appointment-----

**From:** Wehrum, Bill

**Sent:** Monday, March 05, 2018 2:42 PM

**To:** Wehrum, Bill; Koerber, Mike; Tsirigotis, Peter; Wood, Anna; Woods, Clint; Gunasekara, Mandy

**Subject:** Prebrief for 3/13 Meeting TCEQ Commissioner Jon Niermann re: SSM

**When:** Monday, March 12, 2018 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** WJC-N 5400 + Video with RTP + Dial: 202-991-0477; Participant Code: 680-2581

**To:** Bill Wehrum, Mandy Gunasekara, Clint Woods, Peter Tsirigotis, Anna Wood, Mike Koerber